

#14/2-11-03

PATENT

Docket No. 299002051800

Client Ref.: F5-0036823/00R00553/US/END

## CERTIFICATE OF FACSIMILE TRANSMISSION

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Barbara M. Weatherly

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Yoshihiro UETA et al.

Serial No.: 09/759,312

Filing Date: January 12, 2001

For: NITRIDE COMPOUND  
SEMICONDUCTOR LIGHT  
EMITTING DEVICE AND METHOD  
FOR PRODUCING THE SAME

Examiner: S. Mulpuri

Group Art Unit: 2812

## INTERVIEW SUMMARY

Assistant Commissioner for Patents  
Washington, D.C. 20231

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Dear Sir:

Applicant appreciates the opportunity to discuss the final Office Action with the Examiner.

In the interview, Applicant's attorney discussed the content of the final Office Action mailed on November 1, 2002 (Paper No. 11) and the Supplemental final Office Action faxed on January 15, 2003 (Paper No. 12), as well as whether the finality of the final Office Action was proper.

Applicant's attorney discussed with the Examiner that the final Office Action and supplemental final Office Action fail to address any of the limitations of claims 1-6 or address

Applicant's arguments in the previously filed amendment submitted September 20, 2002. The final Office Action addressed only claims 8-11, and the supplemental final Office Action was altered to refer to claims 1-11. However, the arguments in support thereof remained directed only to claims 8-11. Applicant's attorney expressed that there is no clear record of the statement of grounds for the rejection to claims 1-6 for which the Applicant can readily respond.

Further, Applicant's attorney discussed that the finality of the Office Action was in error under MPEP 706.07(a) because the rejection included newly cited art against claims 1-6 which were not amended by the Applicant. In particular, newly cited art Zauner et al. was now applied to claims 1-11 in combination with Kimura (U.S. 6,201,823) and Yuge et al. (U.S. 6,030,848). In the previous non-final Office Action of March 20, 2002, only Kimura was applied against claims 1-6. Applicant's attorney discussed that claims 1-6 were not amended by Applicant and the finality of the rejection is premature under MPEP 706.07(a).

Applicant requested the issuance of a newly issued non-final Office Action fully addressing claims 1-6 and 8-11. Further, Applicant requested that the reply period be restarted. The Examiner indicated she would fax Applicant's attorney an action on Monday January 27, 2003 regarding this issue. The Examiner further indicated she would consult with a supervising or special Examiner as to whether a non-final Office Action or a second supplemental Office Action was more appropriate.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 299002051800. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 23, 2003

By:

  
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**To: Examiner S. Mulpuri**  
United States Patent and Trademark Office

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**From: Christopher B. Eide**  
Registration No.: 48,375

**Date: January 23, 2003**

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**Comments:**

**OFFICIAL FILING**

ATTORNEY DOCKET NO.: 299002051800  
GROUP ART UNIT: 2812  
EXAMINER: S. Mulpuri  
SERIAL NO.: 09/759,312  
FILING DATE: January 12, 2001  
INVENTOR(S): Yoshihiro UETA et al.  
TITLE: NITRIDE COMPOUND SEMICONDUCTOR LIGHT  
EMITTING DEVICE AND METHOD FOR PRODUCING  
THE SAME

**Documents Attached:**

- Transmittal - 1 page
- Interview Summary - 3 pages

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

4

Application Number

09/759,312

Filing Date

January 12, 2001

First Named Inventor

Yoshihiro UETA

Group Art Unit

2812

Examiner Name

S. Mulpuri

Attorney Docket No.

289002051800

**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Assignment Papers  
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
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Remarks

☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify  
below):

- Interview Summary - 3 pages
- Facsimile Cover Sheet

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**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

Morrison &amp; Foerster LLP, 755 Page Mill Road, Palo Alto, California. 94304-1018

or

Individual Name

Christopher B. Eide, Registration No. 48,375

Signature

Date

January 23, 2003

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Barbara M. Weatherly

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